



California Department of Education
Executive Office
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California State Board of Education

November 2019 Agenda

Item #05

Subject

Update on the Development of the California State Plan for the Every Student Succeeds Act: Technical Amendments for Inclusion in the State Plan for Resubmission to the U.S. Department of Education.

Type of Action

Action, Information

Summary of the Issue(s)

California's Every Student Succeeds Act (ESSA) Consolidated State Plan (State Plan) was approved by the U.S. Department of Education (ED) on July 12, 2018. In November 2018, the State Board of Education approved the submission of amendments to the State Plan. The ED has not yet issued a formal response on the submitted amendments.

Since the submission of the November 2018 amendments, the State Board of Education (SBE) has taken action at the July and September meetings and will consider additional action at the November meeting to make additional changes to California's accountability and continuous improvement system.

The CDE recommends additional modifications to the State Plan as described in this item. They are as follows:

- Clarification of the definitions of "ineffective teacher" and "out of field" teacher
- Revision to the long term goal for graduation rate as a result of incorporating the extended-year graduation rate

Additionally, California will make edits to address inadvertent technical errors on the Measurements of Interim Progress tables.

Pending Board Action, the CDE will summarize the actions taken by the SBE over the course of 2019 that impact the ESSA State Plan in a December 2019 SBE Memorandum and bring the proposed text of the amended State Plan before the SBE at the January 2020 SBE meeting for approval of submission to ED.

Recommendation

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve: (1) clarification of the definitions of “ineffective teacher” and “out of field” teacher and (2) the proposed long-term goal and revised Status cut scores for the extended graduation rate and (3) CDE staff making technical edits to the plan as required.

Clarification of the Definitions of “Ineffective Teacher” and “Out-of-Field Teacher”

In an effort to provide the most accurate data possible to inform and improve our technical assistance and support to the field and to ensure equitable access and positive outcomes for students, staff is recommending clarifying revisions to the current definitions of “ineffective” and “out-of-field” teacher currently in the California ESSA Plan.

- First, staff recommends clarifying the definition of “ineffective teacher.” The current definition includes teachers who are misassigned (placed in a position for which the employee does not hold a legally recognized certificate or credential or a certificated employee placed in a teaching or services position in which the employee is not otherwise authorized by statute to serve) and teachers teaching without a credential. Staff proposes to include individuals teaching with Provisional Internship Permits (PIPs), Short-Term Staff Permits (STSPs), Variable Term Waivers, and substitute permits or Teaching Permits for Statutory Leave (TSPL) holders serving as the teacher of record in addition to the two categories described in the current definition.
- PIPs can be issued to individuals who have not yet met the subject matter competency requirement needed to enter an intern program to fill an immediate staffing need in an employing agency.
- STSPs can be issued to individuals that possess a baccalaureate degree or higher, have satisfied the basic skills requirement as well as completed required coursework to fill an acute staffing need in an employing agency.
- Variable Term Waivers can be issued to individuals to give them additional time to complete credentialing requirements when a fully credentialed teacher is not available for the assignment.
- TPSLs can be issued to individuals with baccalaureate degrees that have satisfied the basic skills requirement as well as an initial 45 hours of TPSL preparation to fill a position where the teacher of record is unable to teach due to a statutory leave (medical or otherwise).

Individuals teaching with PIPs, STSPs and Variable Term Waivers hold official documentation from the California Commission on Teacher Credentialing to fill immediate staffing needs when a fully-credentialed teacher cannot be found. However,

individuals with PIPs, STSPs and Variable Term Waivers are also teaching without a credential and therefore should be categorized as “ineffective”. Staff also recommends clarifying the definition of “out-of-field” teacher. The current definition for out-of-field teachers includes individuals teaching with General Education Limited Assignment Permits (GELAPs) and Special Education Limited Assignment Permits (SELAPs). Staff proposes to include individuals teaching with Short-Term Waivers, Emergency English Learner or Bilingual Permits, and on Local Assignment Options, in addition to the two types of Limited Assignment Permits in the current definition.

- Short-Term Waivers allow employers to assign teachers who hold basic credentials to teach outside of their credential authorization for one semester or less with the teachers’ consent.
- Emergency English Learner Permits and Bilingual Authorization Permits allow qualified individuals to be employed while completing the requirements for a English Learner certificate or Bilingual Authorization.
- Local Assignment Options allow employing agencies to place a teacher in a position outside their credential authorization if the agency is unable to assign a teacher or other certificated employee with the appropriate credential.

Individuals teaching with Short-Term Waivers, Emergency English Learner Permits or Bilingual Authorization Permits, and Local Assignment options hold basic teaching credentials but are teaching outside their credential authorization and therefore should be categorized as “out-of-field”. The Table 1 below from the current California ESSA plan has been amended to reflect the updated definitions of ineffective and out-of-field teachers.

These amendments capture the full range of credential and authorization statuses that teachers can hold. Due to misalignment between the prior definitions and definitions included in the Education Code, the prior definitions resulted in the exclusion of these permit, waiver, and local assignment authorizations when the intent in developing these two definitions to reflect, collectively, the share of teachers assigned to teach courses in subjects for which they do not hold intern, preliminary, or clear credentials issued by the CTC.

Table 1

Term	Definition
Ineffective teacher	<p>An ineffective teacher is any of the following:</p> <ul style="list-style-type: none"> • An individual whose assignment is legally authorized by an emergency permit that does not require possession of a full teaching license; or • A teacher who holds a full teaching credential but does not possess a permit or authorization that temporarily allows them to teach outside of their credentialed area (misassigned) • An individual who holds no credential, permit, or authorization to teach in California. <p>Under this definition, teachers with the following limited emergency permits would be considered ineffective:</p> <ul style="list-style-type: none"> • Provisional Internship Permits, • Short-Term Staff Permits • Variable Term Waivers • Substitute permits or Teaching Permits for Statutory Leave (TSPL) holders serving as the teacher of record
Out-of-field teacher	<p>An out-of-field teacher is:</p> <ul style="list-style-type: none"> • A teacher who holds a full teaching credential but is placed in a position for which the employee does not hold the appropriate authorization but is otherwise legally authorized for their assignment • General Education Limited Assignment Permit (GELAP) • Special Education Limited Assignment Permit (SELAP) • Short-Term Waivers • Emergency English Learner or Bilingual Authorization Permits • Local Assignment Options
Inexperienced Teacher	A teacher who has two or fewer years of teaching experience.
Minority Student	A student who is American Indian/Alaska Native, Asian, African American, Filipino, Native Hawaiian/Pacific Islander, Hispanic, or Two or More Races Not Hispanic.
Low-Income Student	A student who is eligible to receive Free or Reduced-Price Meals

The CTC and CDE have entered into a data sharing Memorandum of Understanding (MOU) which, along with the new California State Assignment Accountability System (CalSAAS), will allow the CDE to report data regarding the distribution of ineffective and

out-of-field teachers according to their new definitions in the updated California ESSA State Plan. Data from the 2018–2019 school year will only include test users that have volunteered to pilot the CalSAAS system and in some cases, only a portion of their district data will be included. Data from the 2019–2020 school year will be complete, but Assembly Bill 1219 designates 2019–20 as a “nonconsequential year”.

LEAs will be required to update the section of their LCAP Federal Addendum related to educator equity to reflect the updated definitions of “ineffective” and “out-of-field” teachers. Through the Promoting Equitable Access to Teachers program, the CDE will continue to provide technical assistance and support to LEAs as they work to ensure that every student has equitable access to experienced, effective, and appropriately assigned teachers.

Long-Term goal for Graduation Rate as a Result of Incorporating the Extended-Year Graduation Rate

ESSA provides states the option to include a five-year graduation rate in the accountability system. However, states are required to set a more rigorous long-term goal for an extended-year adjusted cohort graduation rate, as compared to the long-term goal set for the four-year cohort graduation rate [Elementary and Secondary Education Act, Section 1111(c)(4)(A)(1)(BB)]. In July 2019, the SBE approved methodology to implement an extended-year graduation rate for the Graduation Rate Indicator (<https://www.cde.ca.gov/be/ag/ag/yr19/documents/jul19item01.docx>). In order to comply with federal requirements, the CDE recommends that the current California ESSA Plan be revised to set the long-term goal for this extended graduation rate at 90.5 percent, as compared to 90 percent goal that was established for the four-year cohort graduation rate.

To ensure the coherence of the state and federal accountability systems, the five-by-five colored graduation rate table needs to align with the long-term goal. Therefore, if the SBE approves the recommended long-term goal, the CDE is requesting that the High and Medium Status cut scores for comprehensive high schools (Table 2), and the Very High Status Cut score for Dashboard Alternative Status Schools (DASS) (Table 3) be revised to align with the ESSA long-term goal of 90.5 percent.

Table 2: Five-by-Five Colored Table for Comprehensive High Schools Graduation Rate

Performance Level	Declined Significantly from Prior Year (by 5.1% or greater)	Declined from Prior Year (by 1.0% to 5.0%)	Maintained from Prior Year (declined or increased by less than 1.0%)	Increased from Prior Year (by 1.0% to 4.9%)	Increased Significantly from Prior Year (by 5.0% or greater)
Very High 95.0% or greater in Current Year	N/A	Blue	Blue	Blue	Blue

Performance Level	Declined Significantly from Prior Year (by 5.1% or greater)	Declined from Prior Year (by 1.0% to 5.0%)	Maintained from Prior Year (declined or increased by less than 1.0%)	Increased from Prior Year (by 1.0% to 4.9%)	Increased Significantly from Prior Year (by 5.0% or greater)
High 90.5% to less than 95.0% in Current Year	Orange	Yellow	Green	Green	Blue
Medium 80.0% to less than 90.5% in Current Year	Orange	Orange	Yellow	Green	Green
Low 68.0% to less than 80.0% in Current Year	Red	Orange	Orange	Yellow	Yellow
Very Low Less than 68.0% in Current Year	Red	Red	Red	Red	Red

Table 3: Five-by-Five Colored Table for the DASS Graduation Rate

Performance Level	Declined Significantly from Prior Year (by more than 10.0%)	Declined from Prior Year (by 3.0% to 10.0%)	Maintained from Prior Year (declined or increased by less than 3.0%)	Increased from Prior Year (by 3.0% to less than 10.0%)	Increased Significantly from Prior Year (by 10.0% or greater)
Very High 90.5% or greater in Current Year	N/A	Blue	Blue	Blue	Blue
High 80.0% to less than 90.0% in Current Year	Orange	Yellow	Green	Green	Blue

Performance Level	Declined Significantly from Prior Year (by more than 10.0%)	Declined from Prior Year (by 3.0% to 10.0%)	Maintained from Prior Year (declined or increased by less than 3.0%)	Increased from Prior Year (by 3.0% to less than 10.0%)	Increased Significantly from Prior Year (by 10.0% or greater)
Medium 70.0% to less than 80.0% in Current Year	Orange	Orange	Yellow	Green	Green
Low 68.0% to less than 70.0% in Current Year	Red	Orange	Orange	Yellow	Yellow
Very Low Less than 68.0% in Current Year	Red	Red	Red	Red	Red

The CDE presented the proposed long-term goal of 90.5 percent for the extended year graduation rate to the California Advisory Group (CPAG) at its October 24, 2019 meeting. CPAG members were supportive of CDE's recommendation to increase the long-term goal to 90.5 percent.

Brief History of Key Issues

ESSA was signed into law by President Barack Obama on December 10, 2015, and went into effect in the 2017–18 school year. The ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the nation's federal education law, and replaces the No Child Left Behind Act (NCLB).

The ESSA maintains the original purpose of ESEA: equal opportunity for all students. Departing from the NCLB reauthorization, ESSA grants much more authority to states, provides new opportunities to enhance school leadership, provides more support for early education, and renews a focus on well-rounded educational opportunity and safe and healthy schools. The reauthorization of ESEA provides California with a number of opportunities to build upon the State's new direction in accountability and continuous improvement.

California's ESSA State Plan was approved by the ED on July 12, 2018.

Ongoing Communication and Engagement

California's ESSA implementation is well underway. Since the ESSA became law, California has engaged in public state board and advisory group meetings, webinars, regional stakeholder meetings, stakeholder surveys, and targeted consultation. Thousands of Californians have contributed to the State Plan. California continues to engage stakeholders via regular ESSA Implementation Stakeholder Sessions.

The most current information regarding California's ESSA State Plan is available on the CDE ESSA Web page at <https://www.cde.ca.gov/essa>. Interested stakeholders are encouraged to join the CDE ESSA listserv to receive notifications when new information becomes available by sending a blank e-mail message to join-essa@mlist.cde.ca.gov. Questions regarding ESSA in California may be sent to ESSA@cde.ca.gov.

Summary of Previous State Board of Education Discussion and Action

April 2019: The ED issued a final determination of denial of California's waiver request with respect to the calculation of the English Learner Progress Indicator.

November 2018: The SBE approved amendments to the State Plan. The State Plan proposed amendments were resubmitted to the ED in December 2018.

July 2018: The revised version of the State Plan based on the June 11, 2018, feedback from ED was posted as a part of the Item. The SBE took action to approve a revised State Plan. The revised State Plan was submitted to the ED on July 11, 2018.

April 2018: The revised version of the State Plan based on the February 14, 2018, feedback from the ED was posted as a part of the Item. The SBE took action to approve a revised State Plan and directed the CDE to pursue a waiver related to the English Language Progress Indicator. The revised State Plan was resubmitted to the ED the week of April 16, 2018, and the waiver request was submitted on May 16, 2018.

March 2018: The revised version of the State Plan based on the February 14, 2018, feedback from the ED was posted as a part of the Item, and the Board was agenized to take action on the full revised version. However, due to ongoing negotiations with the ED, the full Item was posted only days prior to the March 2018, SBE meeting. Due to this fact, the CDE staff presented, and the SBE took action to approve the following sections of the State Plan: A.5, E.1, I.7.g. The SBE announced plans to hold an additional meeting to take action on the remaining Title I accountability sections of the revised State Plan.

January 2018: The CDE staff presented to the SBE a revised version of the State Plan based on the content of the interim feedback letter from the ED. The SBE discussed and approved the revised ESSA State Plan for submission to the ED, with a revision to replace the proposal related to the identification of the lowest performing schools with revised language indicating the SBE will consider a proposed State Plan supplement at its March 2018, meeting for submission to the ED that further describes the approach.

September 2017: The CDE staff presented to the SBE a summary of the feedback from stakeholders and a set of proposed revisions to the draft August 2017 State Plan. The SBE discussed and approved the ESSA State Plan for submission to the ED.

July 2017: The CDE staff presented to the SBE a summary of feedback from the California Practitioners Advisory Group and feedback collected during the 30-day public comment period for the draft State Plan. Based on this feedback and new information regarding ED's application of the State Plan Peer Review Criteria, staff presented a set of proposed revisions to the draft plan. The SBE discussed and approved most staff recommendations, directing staff to make additional adjustments to the State Plan.

May 2017: The CDE staff presented to the SBE the first complete draft of the ESSA State Plan.

March 2017: The CDE staff presented to the SBE an update on the development of the State Plan including a status update on issues that need to be addressed in the State Plan and stakeholder feedback regarding State Plan policy decisions. Additionally, the SBE unanimously approved the CDE recommendation to authorize the SBE President to sign and submit any required ESSA assurances to the ED by the due date established by the ED.

January 2017: The CDE staff presented to the SBE an update on the development of the ESSA State Plan including proposed guiding principles and recommended approach for the ESSA State Plan development. The SBE unanimously approved the guiding principles.

November 2016: The CDE staff presented to the SBE an update on the development of the ESSA State Plan including the ESSA Consolidated State Plan Development Draft Timeline; the first draft sections of the ESSA Consolidated State Plan; and the communication, outreach, and consultation CDE staff conducted in September and October 2016. SBE members approved CDE staff recommendations to authorize the SBE President to submit a joint letter with the State Superintendent of Public Instruction in response to ESSA regulations for supplement, not supplant under Title I, Part A.

September 2016: The CDE staff presented to the SBE an update on the development of the ESSA State Plan including an overview of ESSA programs, an overview of ESSA Consolidated State Plan requirements and related decision points, a preliminary status of various decisions, and areas where final regulations will be needed to address plan requirements.

July 2016: The CDE staff presented to the SBE an update on the development of the ESSA State Plan including opportunities in the ESSA to support California's accountability and continuous improvement system, an update on proposed ESSA regulations, and a description of stakeholder outreach and communications activities. SBE members approved CDE staff recommendations to authorize the SBE President to submit joint letters with the State Superintendent of Public Instruction in response to ESSA regulations for accountability, data reporting, submission of state plans, and assessments.

May 2016: The CDE staff presented to the SBE an update on the development of the ESSA State Plan including Title I State Plan requirements described in the ESSA, outreach and consultation with stakeholders, and a draft State Plan development timeline. The SBE also approved the ESSA 2016–17 School Year Transition Plan and two federal ESSA waiver requests to address double testing in science and Speaking and Listening assessment requirements.

March 2016: The SBE approved appointments to the California Practitioners Advisory Group.

January 2016: The CDE staff presented to the SBE an update on issues related to California's implementation of the ESEA, including information regarding ESSA, and the implications for state accountability and state plans.

Fiscal Analysis (as appropriate)

California's total kindergarten through grade twelve funding from the 2018–19 California Budget Act is \$96 billion:

State	\$56.3 billion
Local	\$31.0 billion
Federal	\$8.7 billion

ESSA funds are a portion of the total federal funding amount. The ESSA was implemented in 2017–18. The ESSA became effective for non-competitive formula grants in the 2017–18 school year, and for competitive grants as instructed by the ED, but largely in the 2017–18 school year as well.

Attachment(s)

None.